

Introduced by Senator Harman
(Coauthor: Assembly Member Conway)

February 19, 2010

An act to amend Section 487 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1338, as introduced, Harman. Grand theft: farm crops.

Existing law provides that grand theft is committed when domestic fowls, avocados, olives, citrus or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops are taken of a value exceeding \$250. Existing law provides a method for establishing the value of avocados or citrus fruit for purposes of this offense based on wholesale value.

This bill would provide that this same method may be used to establish the value of the other products listed above for purposes of determining if a taking is grand theft.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 487 of the Penal Code is amended to
- 2 read:
- 3 487. Grand theft is theft committed in any of the following
- 4 cases:
- 5 (a) When the money, labor, or real or personal property taken
- 6 is of a value exceeding four hundred dollars (\$400) except as
- 7 provided in subdivision (b).

(b) Notwithstanding subdivision (a), grand theft is committed in any of the following cases:

(1) (A) When domestic fowls, avocados, olives, citrus or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops are taken of a value exceeding two hundred fifty dollars (\$250).

(B) For the purposes of establishing that the value of ~~avocados or citrus fruit~~ *domestic fowls, avocados, olives, citrus or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops* under this paragraph exceeds two hundred fifty dollars (\$250), that value may be shown by the presentation of credible evidence which establishes that on the day of the theft *domestic fowls, avocados, olives, or citrus fruit or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops* of the same variety and weight exceeded two hundred fifty dollars (\$250) in wholesale value.

(2) When fish, shellfish, mollusks, crustaceans, kelp, algae, or other aquacultural products are taken from a commercial or research operation which is producing that product, of a value exceeding two hundred fifty dollars (\$250).

(3) Where the money, labor, or real or personal property is taken by a servant, agent, or employee from his or her principal or employer and aggregates nine hundred fifty dollars (\$950) or more in any 12 consecutive month period.

(c) When the property is taken from the person of another.

(d) When the property taken is any of the following:

(1) An automobile, horse, mare, gelding, any bovine animal, any caprine animal, mule, jack, jenny, sheep, lamb, hog, sow, boar, gilt, barrow, or pig.

(2) A firearm.

~~(e) This section shall become operative on January 1, 1997.~~